REMARKS/ARGUMENTS

The office action of March 7, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-31 remain pending in this application.

Preliminarily, applicants with to thank the Examiner for the courtesies extended to the undersigned during the informal telephonic interview on June 5, 2006.

Information Disclosure Statement Issues

Initialed copies of the PTO-1449 Form for the Information Disclosure Statements filed on July 13, 2001, May 24, 2002 and October 4, 2002 have not been returned to the undersigned with any office action to date. In this regard, Applicants have discovered that the Examiner apparently examining the instant application and related application serial no. 09/804,496 concurrently, as evidenced by the closeness of the mailing dates of the office actions in these applications, inadvertently commingled some PTO-1449 Forms filed in the instant application with the related application. Specifically, the office action mailed December 18, 2002 in related application serial no. 09/804,496 included PTO-1449 Forms identifying the instant application and not related application serial no. 09/804,496. Namely, an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement dated July 13, 2001 in the instant application was returned (essentially citing the same references as identified in the PTO Form 1449s provided in the related application) and an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement on May 24, 2002 in the instant application was returned with the December 18, 2002 office action in the related application serial no. 09/804,496.

To finally resolve the above issues, applicants filed on May 8, 2006 a separate Letter (identified in IFW PAIR as 05-08-06, Misc. Incoming Letter, 13 pages) evidencing the filing of the referenced Information Disclosure Statements including USPTO date stamped receipt post cards. Applicants respectfully request that the Examiner return initialed copies of the PTO-1449 Forms filed with the Information Disclosure Statements.

Prior Art Rejections

Claims 1, 7, 9, 10, 16-26 and 28-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,635,958 to Murai. Claims 2, 5-6, 11-15, 27 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,995,101 to Clark et al. ("Clark"). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,854,624 to Grant. Claims 4 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,973,670 to Barber. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 6,246,405 to Johnson. Applicants respectfully traverse these rejections.

Claims 1-9 and 10-17

Claim 1 calls for, among other features, generating feedback responsive to the step of detecting, the feedback providing an indication of the functionality of the first auxiliary control, the functionality of the first auxiliary control and associated feedback being dependent upon which one of a plurality of application programs is active. While Murai generates feedback providing an indication of the functionality of a key, the functionality of the key and associated feedback is only operative in a particular scenario in a word processor program under execution. Notably, Murai neither teaches nor suggests the functionality of the first auxiliary control and associated feedback *being dependent upon which one of a plurality of application programs is active* as recited in claim 1. The functions of file, print, translate, etc., shown in FIGs. 14 and 15 of Murai do not correspond to separate application programs. Rather they are functions in the word processor program being executed. Notably, the feedback generated in Murai is for a single application program. For at least this reason, claim 1 is patentably distinct from Murai. Claims 7 10, 16 and 17, which ultimately depend from claim 1, are also patentably distinct for the same reasons set forth above, and further in view of the novel features recited therein.

Claims 2, 5, 6, and 11-15 which ultimately depend from claim 1, are rejected over the combination of Murai and Clark. Clark fails to overcome the deficiencies of Murai noted above with respect to claim 1. Therefore, claims 2, 5, 6, and 11-15 are patentably distinct from the

combination of Murai and Clark, even if proper, for at least this reason, and further in view of the advantageous features recited therein.

Regarding claim 3, which ultimately depends from claim 1, the action acknowledges that Murai does not teach or suggest that the system has a game controller including the auxiliary control. To remedy this defect, the action relies on Grant. Notwithstanding the propriety of combining Murai and Grant, Grant fails to overcome the deficiencies of Murai described above Accordingly, the combination of Murai and Grant, even if proper, does not result in the claim 3 invention.

Claim 4, which depends from claim 1, calls for providing tactile feedback responsive to the step of detecting. The action acknowledges that Murai does not show this feature. To remedy this deficiency, the action relies on Barber. However, Barber fails to overcome the deficiencies noted above with respect to claim 1. Thus, the combination of Murai and Barber would not have resulted in the claim 4 invention. Moreover, contrary to the action's assertion, applicants submit that one of ordinary skill in the art would not have been motivated to utilize the tactile controller of Barber in the Murai system. The action alleges one skilled in the art would have combined Barber and Murai to provide additional feedback for the system to detect that the cursor is at the boundary of a graphical object for precisely selecting the graphical object as described in Barber at col. 1, lines 40-44. This is wholly irrelevant to the focus of Murai; to assist the user in performing a blind touch operation. Moreover, it makes no sense to provide tactile feedback in response to detecting the proximity of a finger to a keytop for the purpose of detecting that the cursor is at the boundary of a graphical object for precisely selecting the graphical object as asserted in the action. As such, one would not have been motivated to combine Barber with Murai for the reasons set forth in the action. For at leas this reason, the combination is improper.

Claim 8, which ultimately depends from claim 1, calls for the first display widget including a user interface through which a user may change settings of the functionality of the first auxiliary control. The action acknowledges that Murai does not teach or suggest this feature. To remedy this defect, the action relies on Johnson. However, Johnson fails to remedy the deficiencies identified above with respect to Murai. Thus, the combination of Murai and Johnson does not result in the claim 8 invention.

Claim 9

Amended independent claim 9 calls for, among other features, generating feedback responsive to the step of detecting, the feedback providing an indication of the functionality of the auxiliary control, the generating further including displaying a display widget on the display screen responsive to the step of detecting, wherein the display widget identifies a text macro, which is a block of text assigned to the first auxiliary control and displays at least a portion of text corresponding to the text macro. Reference to page 49, lines 11-18 of the specification is instructive, where an explanation of an example of the claim 9 invention is provided; this portion of the specification is reproduced below:

> In another exemplary embodiment of the present invention, each hot key may be assigned a text macro, where activating the hot key causes a block of text to be inserted, for example where the cursor is located on the screen. When used in this context, touching a hot key displays at least the beginning or another portion, if not all, of the text macro assigned to the hot key as shown in FIG. 31. The on-screen display window may automatically resize according to the amount of text assigned to the text macro in order to display all the text. This context may also be used in conjunction with scrolling controls such that a user, while touching the hot key assigned the text macro, may scroll through the text.

(Emphasis supplied).

To show the feature of the text macro, the action on page 11 alleges that a "description of the function of each icon corresponding to the physical position of the keytop contacted is thus displayed in the lower portion, i.e. translate the data in the designate[d] area, corresponding to the claimed text macro that displays at least a portion of text of the text macro as claimed." The display of the function translate data in the designated area seemingly would suggest that depression of the associated keytop would cause the data to be translated. Notably, there is no display of the data that would be inserted in response to a user's finger being proximate to or contacting the particular keytop assigned the translate function and thus no data corresponding to the translate function. As such, Murai does not teach or suggest a display widget identifying a text macro, which is a block of text assigned to the first auxiliary control, and displaying at least a portion of text corresponding to the text macro as recited in amended claim 9. For at least this reason, claim 9 is patentably distinct from Murai.

Claims 18 and 19

Amended claim 18 calls for, among other features, detecting a first physical presence proximate to or contacting a first auxiliary control for a predefined period in which the first auxiliary control maintains an inactive state, generating first feedback responsive to the step of detecting, the first feedback providing an indication of the functionality of the first auxiliary control, detecting a second physical presence proximate to or contacting a second auxiliary control different from the first auxiliary control in which the second auxiliary control maintains an inactive state while detecting a first physical presence proximate to or contacting the first auxiliary control, and discontinuing the first feedback and generating second feedback responsive to the step of detecting the second physical presence, the second feedback indicating functionality associated with the combination of the first auxiliary control and the second auxiliary control. The action pointed to FIGs. 17, 18A and 18B of Murai to show the claim 18 combination of features. However, as described from col. 7, line 49 to col. 8, line 6 of Murai, the key switch 21 is a display change over switch that when depressed in conjunction with the proximity sensor 22 sensing the approach of a finger causes the set of characters corresponding to the keytops 1 to be displayed thereby serving as a help function. To display the character associated with the keytops 1, the keytop 20 corresponding to the key switch 22 is required to be depressed.

In contrast to Murai, claim 18 calls for detecting a second physical presence proximate to or contacting a second auxiliary control *in which the second auxiliary control maintains an inactive state while detecting a first physical presence proximate to or contacting the first auxiliary control* and generating second feedback responsive to the step of detecting the second physical presence, *the second feedback indicating functionality associated with the combination of the first auxiliary control and the second auxiliary control*. Notably, in Murai the key switch 21 is depressed and thus in an active rather than inactive state, when the proximity sensor 22 senses the approach of a finger. Moreover, the mere display of the set of characters corresponding of the keytops 1 does not in any way teach or suggest indicating functionality associated with the combination of the keytops 1 and the keytop 20. For at least these reasons,

Murai lacks a teaching or suggestion of detecting a second physical presence proximate to or contacting a second auxiliary control *in which the second auxiliary control maintains an inactive state while detecting a first physical presence proximate to or contacting the first auxiliary control* and generating second feedback responsive to the step of detecting the second physical presence, *the second feedback indicating functionality associated with the combination of the first auxiliary control and the second auxiliary control* as recited in claim 18. Claim 19, which depends from claim 18, is patentably distinct from Murai for at least the same reasons as claim 18.

Claims 20-31

The action alleges that Murai discloses all the features of claim 20. As amended claim 20 recites, among other features, displaying a first display widget on the display screen responsive to a step of detecting, the first display widget providing a tool tip associated with the first auxiliary control, the tool tip indicating one of an identity of a user, tuning of an audio application, tuning of a video application, volume control, control of a feature with multiple settings, a control function corresponding to a key combination, and an application that will be launched by activating the first auxiliary control, wherein the tool tip is a textual label. To show displaying a display widget, the first display widget providing a tool tip associated with the first auxiliary control, the tool tip indicating one of an identity of a user, the action points to the display screen in Fig. 15 and the display of the statement "translate data in designated area" changed in color from the other text on the display screen. Merely displaying text in a different color to provide an indication of the functionality of a particular key in no way provides any indication of an identity of a user. Indeed, Murai does not in any way contemplate displaying an identity of a user in response to a finger being in contact with or in proximity to a key. A fair reading of Murai would suggest that displaying the indication of the functionality of a particular key already displayed in a different color in response to a finger being in contact with or in proximity to a key is done for the purpose of making the indication of the functionality standout and be more noticeable to the user. In addition, Murai does not teach or suggestion providing a "tool tip", wherein the tool tip is a textual label as recited in amended claim 20.

Also, the action alleges that Murai shows an indication of an application that will be launched by activating the first auxiliary control, which is also a feature of claim 20, in rejecting claim 25. In this regard, the action contends that "translate data in designated area" identifies an application. On the contrary, translate data is nothing more than functionality associated with the word processor program under execution in Murai described at col. 7, lines 17-40. In addition, the action makes the assertion that Fig. 15 shows a file explorer application in rejecting claim 27. When considering a word processor program, the term file as shown in FIG. 15 accompanied by a storage media icon leads one to the inescapable conclusion that the functionality associated with the particular key is the save operation, and does not cause an application such as a file explorer to be launched.

In view of the foregoing, claim 20 is patentably distinguishable from Murai. Claims 21-26, 28 and 29, which ultimately depend from claim 20, are patentably distinct for the same reasons as their base claim and further in view of the additional advantageous features recited therein. For example, claim 29 recites that the step of displaying the second display widget includes displaying the second display widget responsive to simultaneous detection of the first physical presence and the second physical presence, the second display widget representing a tool tip associated with the combination of the first auxiliary control and the second auxiliary control. As discussed with respect to claim 18, Murai lacks a teaching or suggestion of indicating functionality associated with the *combination* of the first auxiliary control and the second auxiliary control, and thus necessarily does not teach or suggest displaying a tool tip associated with the *combination* of the first auxiliary control and the second auxiliary control.

Claims 27 and 30, which each depend from claim 20, are rejected over the combination of Murai and Clark. Clark however, fails to remedy the deficiencies of Murai noted above with respect to claim 20. Thus, the combination of Murai and Clark, even assuming proper, would not have resulted in the claim 27 or claim 30 invention.

Claim 31, which depends from claim 20, calls for providing tactile feedback responsive to the step of detecting. The action acknowledges that Murai does not show this feature. To remedy this deficiency, the action relies on Barber. However, Barber fails to overcome the deficiencies noted above with respect to claim 20. Thus, the combination of Murai and Barber

would not have resulted in the claim 31 invention. Moreover, contrary to the action's assertion, applicants submit that one of ordinary skill in the art would not have been motivated to utilize the tactile controller of Barber in the Murai system for the same reasons set forth above in the discussion of Murai and Barber with respect to claim 4.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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